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Notice of Allowability

Application No.

10/088,254

Examiner

Michael P. Stafira

Applicant(s)

BARBOUR ET AL.

Art Unit

2877

-- **Th MAILING DATE of this communication appears on th cover sheet with the correspond nce address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/15/2004.
2. ☒ The allowed claim(s) is/are 1,2,4,5,7-9,11-14,16,18,21,22,26,27,32,34,36-41,53-56 and 58-79.
3. ☒ The drawings filed on 15 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

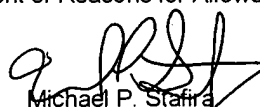
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachm nt(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Michael P. Stafira
Primary Examiner
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DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 2, 4, 5, 7-9, 11-14, 16, 18, 21, 22, 26, 27, 32, 34, 36-41, 53-56, 58-79 allowed over the prior art of record.

2. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, 21 the prior art fails to disclose or make obvious a method or apparatus for use in tomographic imaging of a scattering medium having a plurality of detectors for detecting the respective signals that emerge from the scattering medium for use in a measuring dynamic properties of the scattering medium in a time series of images using optical tomography, and in combination with the other recited limitations of claims 1, 21. All dependent claims are allowed by the virtue of dependency on the allowed claims 1, 21.

Regarding claim 13, the prior art fails to disclose or make obvious a system for use in optical tomographic imaging of a scattering medium having the imaging head undergoing uniform expansion and contraction to accommodate different size scattering mediums, and in combination with the other recited limitations of claim 13. All dependent claims are allowed by the virtue of dependency on the allowed claim 13.

Regarding claim 34, the prior art fails to disclose or make obvious an imaging head having the source means and detector means are arranged in first and second patterns in alternating rows, the first pattern comprising one source means followed by three detector means followed by one source means followed by three detector means, and the second pattern comprising a shifted version of the first pattern, and in combination with the other recited

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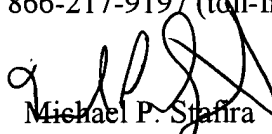
limitations of claim 34. All dependent claims are allowed by the virtue of dependency on the allowed claim 34.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael P. Stafira
Primary Examiner
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May 25, 2004

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